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19. (Original) A method as in claim 15, wherein different positions of the lever correspond to different tee heights, and wherein the platform further includes a scale adjacent the lever corresponding to the tee heights.

20. (Canceled)

21. (Canceled)

REMARKS:

Status

After this response, claims 1 to 5, 8 to 16, 18, and 19 are pending. Claims 1, 8, and 15 have been amended, and claims 6, 7, 17, 20 and 21 have been canceled. Claims 1 and 15 are the independent claims. Reconsideration and further examination are respectfully requested.

Claim Rejections

Claims 1 to 7 and 15 to 17 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,741,537 (Adam). Claims 8 to 10, 18, and 19 were rejected under 35 U.S.C. § 103(a) over Adam in view of U.S. Patent Pub. No. 2003/0162598 (Eckardt). Claims 11 to 13 were rejected under § 103(a) over Adam in view of U.S. Patent No. 4,779,796 (Lai). Claim 14 was rejected under

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§ 103(a) over Adam in view of Lai and U.S. Patent No. 3,693,979 (Koett). Claims 20 and 21 were rejected under § 103(a) over Lai in view of Koett.

Claims 1 to 5 and 8 to 14: Claim 1 is the independent one of these claims. That claim has been amended to recite the subject matter of claim 7 and intervening claim 6, which have been canceled. Claim 1 as amended is reproduced below:

1. An automatic tee-up device, comprising:
  - a golf ball reservoir;
  - a platform with a groove for a golf ball to travel from the reservoir to a tee, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove; and
  - a ball ejector disposed to eject golf balls one at a time from the reservoir onto the groove;
  - wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club;
  - wherein the ball ejector and the tee are actuated by a lever that projects from the platform; and
  - wherein the lever is disposed to be actuated by a head of the golf club moved in a horizontal arc.

The applied art, alone or in combination, is not seen by Applicant to disclose or to suggest the foregoing features of claim 1, at least with respect to the feature that "the lever [that actuates the ball ejector and the tee] is disposed to be actuated by a head of the golf club moved in a horizontal arc."

In this regard, Adam at col. 3, lines 40 to 44, and Figs. 1, 3, and 6 was cited as teaching this feature. This portion of Adam states the following:

The feeder means of the present invention are shown generally at 6. They include a pedal 7 which the golfer depresses with his club head when he wishes to have a ball sent by the feeder means to the teeing means.

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However, depressing a pedal is entirely different from actuating a lever by moving a head of a golf club in a horizontal arc. With the arrangements shown in Figs. 1, 3, and 6 of Adam, the action of "depressing" does not involve movement in a horizontal arc.

This difference is significant. Applicant has found moving a club head in a horizontal arc is a very simple and non-disruptive action. Applicant submits that a golfer's physical experience would be entirely different between depressing a pedal with a golf club and moving a lever in a horizontal arc.

None of the remaining applied references is seen to add anything that remedies the foregoing deficiency of Adam. Accordingly, claim 1 and its dependent claims are believed to be allowable over the applied art. Such action is respectfully requested.

Claims 15, 16, 18, and 19: Claim 15 is the independent one of these claims. That claim has been amended to recite the subject matter of claim 17, which has been canceled. Claim 15 as amended is reproduced below:

15. A method of using an automatic tee-up device, comprising the steps of:

actuating a lever to cause a ball ejector to eject golf balls one at a time from a golf ball reservoir onto a platform with a groove for a golf ball to travel from the reservoir to a tee; and

actuating the lever to cause the tee to raise the golf ball, with the tee movable from below a level of the golf ball in the groove to above the level of the golf ball in the groove;

wherein after the golf ball is ejected by the ejector, the golf ball travels on the groove to the tee and is raised by the tee into a position suitable for striking with a golf club;

wherein the lever is disposed to be actuated by a head of the golf club moved in a horizontal arc.

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This claim now recites that the lever that actuates the ball ejector and the tee is disposed to be actuated by a head of the golf club moved in a horizontal arc. Substantially as discussed above, the applied art, alone or in combination, is not seen by Applicant to teach such. Accordingly, claim 15 and its dependent claims also are believed to be allowable over the applied art. Such action is respectfully requested.

No Admission

Applicant's decision not to argue each of the dependent claims separately is not an admission that the subject matter of those claims is disclosed or suggested by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Respectfully submitted,



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Dated: August 24, 2006

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